

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
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For Department of State Use Only

Sequence Number: 05-22-13
Rule ID(s): 5487
File Date: 5/31/13
Effective Date: 8/29/13

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Fisheries Division
Contact Person:	Lisa Crawford
Address:	PO Box 40747, Nashville, TN
Zip:	37204
Phone:	615-781-6606
Email:	Lisa.Crawford@tn.gov

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1660-01-05	Rules And Regulations For Fishing
Rule Number	Rule Title
1660-01-05-.03	TWRA Lakes

Chapter 1660-01-05
Rules And Regulations For Fishing

Amendment

Rule 1660-01-05-.03 TWRA LAKES, is amended by deleting paragraphs (5), (6), (9), and (12) in their entirety and replacing them; paragraph (13) is deleted in its entirety and paragraphs (14) and (15) will be renumbered accordingly, so that as amended they read as follows:

- (5) Boats may not exceed no wake-speed, except as noted in No. (9). Boats used for any activity other than fishing is prohibited, except as noted in No. (7). Use of motors, other than electric trolling motors, to operate boats on V.F.W. Lake, Coy Gaither-Bedford Lake, Williamsport Lakes, or Marrowbone Lake is prohibited.
- (6) Houseboats, sailboats, cruisers, skiing, and swimming are prohibited except swimming is permitted on Reelfoot-Indian Creek Watershed Lakes.
- (9) On Laurel Hill Lake, the "no wake" speed is restricted to that area of the lake delineated by "no wake" buoys.
- (12) On Reelfoot-Indian Creek Watershed Lakes, trotlines, limblines and commercial fishing are prohibited. Jugfishing is limited to 10 jugs per boat on all agency lakes.

(13) For safety reasons, the TWRA regional manager or his designee, has the authority to close any TWRA lake to motor boats.

(14) Use Fees

(a) Resident/Non-Resident Bedford Lake 1 Day Fishing Permit (Type) 65 - \$5.00

(b) Daily TWRA Lake Fishing Permit (Type 191) - \$5.00

(c) TWRA Lake Boat Rental Permit (Type 192) - \$8.00

(d) Annual TWRA Lake Fishing Permit (Type 193) - \$40.00

Authority: T.C.A. §§69-9-209, 69-10-209, 70-1-206, 70-2-219, 70-4-107.

Administrative History: Original rule certified May 8, 1974. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 19 1980; effective July 3, 1980. Repeal and new rule filed February 4, 1983; effective March 7, 1983. Amendment filed February 20, 1986; effective March 22, 1986. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1988; effective June 4 1988. Amendment filed December 18, 1989; effective February 1, 1990. Amendment filed January 14, 1991; effective February 28, 1991. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed February 27, 1998; effective May 13, 1998. Amendment filed September 4, 1998; effective November 18, 1998. Amendment filed March 31, 2000; effective June 14, 2000. Amendment filed January 5, 2001; March 22, 2001. Amendment filed January 3, 2003; effective March 19, 2003. Amendments filed February 10, 2005; effective April 26, 2005. Amendment filed May 12, 2005; effective July 26, 2005. Amendment filed February 9, 2007; effective April 25, 2007.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

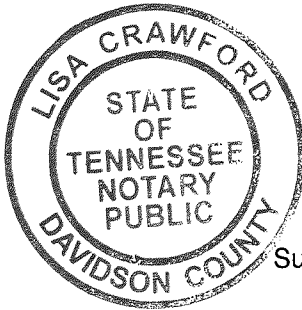
Board Member	Aye	No	Abstain	Absent
Jeff McMillin	✓			
Jim Bledsoe	✓			
William L. Brown				
Harold Cannon	✓			
Bill Cox	✓			
Jeffrey H. Griggs	✓			
Tom Rice	✓			
Jim Ripley				✓
Julie Schuster	✓			
Clayton Stout	✓			
James Stroud				✓
Trey Teague	✓			
Jamie Woodson				✓

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 04/26/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 02/22/2013

Rulemaking Hearing(s) Conducted on: (add more dates). 04/26/2013



Date: 4-30-13

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 4-30-13

Notary Public Signature: Lisa Crawford

My commission expires on: 5-5-15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter
5-21-13

Date

Department of State Use Only

RECEIVED
2013 MAY 31 AM 11:58
STATE OF TENNESSEE
SECRETARY OF STATE

Filed with the Department of State on: 5/31/13

Effective on: 8/29/13

Tre Hargett
Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-01-05-.03

New	_____
Amendment	<u> X </u>
Repeal	_____

☒ There were no public comments to the above-described rule.

☐ Attached hereto are the responses to public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The Commission does not anticipate significant impact to small businesses in Tennessee.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Commission anticipates no record keeping associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

The Commission anticipates no probable effect to small businesses.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Commission is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Commission is unaware of federal or state counterparts to this rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments?

There will be no projected financial impacts on local governments.

Please describe the increase in expenditures or decrease in revenues:

n/a

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Gibson County Lake is a 560 acres impoundment that is located approximately 5 miles east of Trenton off Vaughns Grove Rd in Gibson County. The lake is currently divided into two distinct zones - a recreational zone and a fishing "no wake" ONLY zone. At this time, the "no wake" speed is restricted to that area of the lake delineated by "no wake" buoys. Also, skiing and swimming are permitted on Gibson County Lake. This rule amendment would extend the "no wake" speed lake-wide and prohibit skiing and swimming. This change was prompted by an angler survey in which 98% of respondents requested the lake-wide "no wake" speed.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

We are not aware of any federal law or regulation or any state law or regulations that directly relate to this rule.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Wildlife Resources Agency and some recreation users will be affected most directly by this rule. The Tennessee Wildlife Resources Agency is urging adoption of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

We do not anticipate any significant fiscal impact to the Agency, local or state revenues as a result of this rule amendment.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Eric Ganus, Fisheries Biologist, possesses substantial knowledge and understanding of this rule.
(Eric.Ganus@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555,
Nat.Johnson@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no addition relevant information to the rule proposed.

Red line copy

Department of State

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Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Fisheries Division
Contact Person:	Lisa Crawford
Address:	PO Box 40747, Nashville, TN
Zip:	37204
Phone:	615-781-6606
Email:	Lisa.Crawford@tn.gov

Revision Type (check all that apply):

☒ Amendment

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☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1660-01-05	Rules And Regulations For Fishing
Rule Number	Rule Title
1660-01-05-.03	TWRA Lakes

Chapter 1660-01-05
Rules And Regulations For Fishing

Amendment

Rule 1660-01-05-.03 TWRA LAKES, is amended by deleting paragraphs (5), (6), (9), and (12) in their entirety and replacing them; paragraph (13) is deleted in its entirety and paragraphs (14) and (15) will be renumbered accordingly, so that as amended they read as follows:

Rule 1660-01-05-.03 TWRA LAKES

- (1) The lakes governed by this rule are Browns Creek Lake, Carroll Lake, Coy Gaither-Bedford Lake, Davy Crockett Lake, Garrett Lake, Gibson County Lake, Glenn Springs Lake, Graham Lake, Herb Parsons Lake, Laurel Hill Lake, Maples Creek Lake, Marrowbone Lake, Reelfoot-Indian Creek Watershed Lakes (Obion County), V.F.W. Lake, Whiteville Lake, and Williamsport Lake.
- (2) A Daily or Annual Fishing Permit is required on all lakes listed above except Garrett Lake, Reelfoot-Indian Creek Watershed Lakes, and Whiteville Lake. These permits (not transferable) are required by all except those exempt under provisions of paragraph 3.

- (3) Residents exempt from the Daily Lake Permit are: those 65 years of age and older, children under 16 years of age and those with a Sportsman License. Non-Residents exempt from the Daily Lake Permit are: children under 16 years of age.
- (4) Unattended private boats may not be left on the lakes except those tied to permitted boat docks on Gibson County Lake.
- (5) ~~Boats may not exceed no-wake-speed, except as noted in No. (9). Boats used for any activity other than fishing is prohibited, except as noted in Nos. (6) and (7). Use of motors, other than electric trolling motors, to operate boats on V.F.W. Lake, Coy Gaither-Bedford Lake, Williamsport Lakes, or Marrowbone Lake is prohibited.~~
- (5) *Boats may not exceed no-wake-speed, except as noted in No. (9). Boats used for any activity other than fishing is prohibited, except as noted in No. (7). Use of motors, other than electric trolling motors, to operate boats on V.F.W. Lake, Coy Gaither-Bedford Lake, Williamsport Lakes, or Marrowbone Lake is prohibited.*
- (6) ~~Houseboats, sailboats, cruisers, skiing, and swimming are prohibited except skiing and swimming are permitted in the Gibson County Lake recreational zone. Swimming permitted on Reelfoot-Indian Creek Watershed Lakes.~~
- (6) *Houseboats, sailboats, cruisers, skiing, and swimming are prohibited except swimming is permitted on Reelfoot-Indian Creek Watershed Lakes.*
- (7) Hunting is permitted during the regular hunting season on the following lakes and adjacent state lands, except on areas posted as safety zones: Garrett Lake, VFW Lake, Whiteville Lake, Coy Gaither Bedford Lake, Laurel Hill Lake, Carroll Lake (no big game hunting allowed on Carroll Lake and State owned land adjacent thereto), and Reelfoot-Indian Creek Watershed Lakes. Trapping is allowed on Reelfoot-Indian Creek Watershed Lakes as set out in statewide regulations. Waterfowl hunting is permitted from temporary or natural blinds only on Garrett Lake, Laurel Hill Lake, Whiteville Lake, and Reelfoot-Indian Creek Watershed Lakes. Blinds and decoys must be removed daily from Garrett Lake, Whiteville Lake, and Reelfoot-Indian Creek Watershed Lakes. Firearms are prohibited on all areas except those open to hunting. Boats may be used for waterfowl hunting on Garrett Lake, Laurel Hill Lake, Whiteville Lake, and Reelfoot-Indian Creek Watershed Lakes.
- (8) On those lakes where camping is permitted it is restricted to those areas designated by the Lake Manager or concessionaire in charge, and requires their permission.
- (9) ~~On Laurel Hill Lake and Gibson County Lake, the "no-wake" speed is restricted to that area of the lake delineated by "no-wake" buoys.~~
- (9) *On Laurel Hill Lake, the "no-wake" speed is restricted to that area of the lake delineated by "no-wake" buoys.*
- (10) All persons utilizing Agency managed lakes and property must supply license and permit information, present their catch for inspection, and check in and out if requested by Agency personnel or agents.
- (11) No person shall be under the influence or in the possession of any intoxicating beverages or drugs while on these areas, nor shall any person deface state property, block access areas, cut trees, bushes, and shrubs or litter the area.
- (12) ~~On Reelfoot-Indian Creek Watershed Lakes, trotlines, limblines and commercial fishing are prohibited. Jugfishing is limited to 10 jugs per boat on all agency lakes, with the exception of Gibson County Lake.~~
- (12) *On Reelfoot-Indian Creek Watershed Lakes, trotlines, limblines and commercial fishing are prohibited. Jugfishing is limited to 10 jugs per boat on all agency lakes.*
- (13) ~~No jugfishing, trotlines, or limblines allowed on Gibson County Lake.~~

(14) (13) For safety reasons, the TWRA regional manager or his designee, has the authority to close any TWRA lake to motor boats.

(15) (14) Use Fees

- (a) Resident/Non-Resident Bedford Lake 1 Day Fishing Permit (Type 65) - \$5.00
- (b) Daily TWRA Lake Fishing Permit (Type 191) - \$5.00
- (c) TWRA Lake Boat Rental Permit (Type 192) - \$8.00
- (d) Annual TWRA Lake Fishing Permit (Type 193) - \$40.00

Authority: T.C.A. §§69-9-209, 69-10-209, 70-1-206, 70-2-219, 70-4-107.

Administrative History: Original rule certified May 8, 1974. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 19 1980; effective July 3, 1980. Repeal and new rule filed February 4, 1983; effective March 7, 1983. Amendment filed February 20, 1986; effective March 22, 1986. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1988; effective June 4 1988. Amendment filed December 18, 1989; effective February 1, 1990. Amendment filed January 14, 1991; effective February 28, 1991. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed February 27, 1998; effective May 13, 1998. Amendment filed September 4, 1998; effective November 18, 1998. Amendment filed March 31, 2000; effective June 14, 2000. Amendment filed January 5, 2001; March 22, 2001. Amendment filed January 3, 2003; effective March 19, 2003. Amendments filed February 10, 2005; effective April 26, 2005. Amendment filed May 12, 2005; effective July 26, 2005. Amendment filed February 9, 2007; effective April 25, 2007.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
Jeff McMillin				
Jim Bledsoe				
William L. Brown				
Harold Cannon				
Bill Cox				
Jeffrey H. Griggs				
Tom Rice				
Jim Ripley				
Julie Schuster				
Clayton Stout				
James Stroud				
Trey Teague				
Jamie Woodson				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 04/26/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 02/22/2013

Rulemaking Hearing(s) Conducted on: (add more dates). 04/26/2013

Date: _____

Signature: _____

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: 5-5-15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

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RULE: 1660-01-05-.03

New	_____
Amendment	<u> X </u>
Repeal	_____

☒ There were no public comments to the above-described rule.

☐ Attached hereto are the responses to public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The Commission does not anticipate significant impact to small businesses in Tennessee.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Commission anticipates no record keeping associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

The Commission anticipates no probable effect to small businesses.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Commission is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Commission is unaware of federal or state counterparts to this rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

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There will be no projected financial impacts on local governments.

Please describe the increase in expenditures or decrease in revenues:

n/a

Additional Information Required by Joint Government Operations Committee

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- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

We are not aware of any federal law or regulation or any state law or regulations that directly relate to this rule.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Wildlife Resources Agency and some recreation users will be affected most directly by this rule. The Tennessee Wildlife Resources Agency is urging adoption of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

We do not anticipate any significant fiscal impact to the Agency, local or state revenues as a result of this rule amendment.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Eric Ganus, Fisheries Biologist, possesses substantial knowledge and understanding of this rule.
(Eric.Ganus@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555,
Nat.Johnson@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no addition relevant information to the rule proposed.